

BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS,
CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS

MINUTES OF MEETING

The Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board) met virtually via Google Meet on December 1, 2020, at 10:00 a.m. Board staff was present at the Department of Professional and Occupational Regulation (DPOR), 9960 Mayland Drive, Richmond, Virginia 23233.

The following members were present for all or part of the meeting:

Architects

Tim Colley
Mel Price

Professional Engineers

James Kelly
Vinay Nair
Christopher Stone

Land Surveyors

Doyle Allen
Vickie Anglin
Mike Zmuda

Interior Designers

Cameron Stiles
Caroline Alexander

Landscape Architects

Ann Stokes
Frank Hancock

Citizen Members

Karen Reynes
Hypatia "Lorena Rios" Alexandria

Christine Snetter, Chair, was not present at the meeting.

DPOR staff present for all or part of the meeting included:

Mary Broz-Vaughan, Director
Kathleen R. Nosbisch, Executive Director
Tanya M. Pettus, Administrative Assistant

Elizabeth Peay, Assistant Attorney General with the Office of the Attorney General, was present.

Finding a quorum of the Board present, Ms. Stokes, Vice-Chair, called the meeting to order at 10:05 a.m. **Call to Order**

Ms. Nosbisch welcomed to the Board Tim Colley, architect, who was appointed by Governor Northam to fill the seat vacated by Robert Boynton.

**Announcements and
COVID-19 Safety
Procedures**

Ms. Nosbisch advised the Board the meeting was being held virtually in order to mitigate the spread of COVID-19, and that per statutory

requirements for virtual meetings, the meeting would be recorded and posted to the DPOR website.

Because the meeting was held virtually, Ms. Nosbisch took roll of Board members in attendance.

Roll Call

Ms. Price moved to approve the agenda as presented. Mr. Allen seconded the motion which was unanimously approved by: Alexander, Allen, Anglin, Colley, Hancock, Kelly, Nair, Price, Reynes, Stiles, Stokes, Stone, and Zmuda.

Approval of Agenda

Ms. Stiles moved to approve the September 1, 2020, Board meeting minutes as presented. Mr. Allen seconded the motion which was approved by: Alexander, Allen, Anglin, Colley, Kelly, Nair, Price, Reynes, Stiles, Stokes, Stone, and Zmuda. Mr. Hancock abstained from the vote.

Approval of Minutes

There were no members of the public present to comment on matters other than the case files to be presented.

Public Comment Period

Mr. Stone recused himself from the meeting for discussion and deliberation of File Numbers 2020-00696 and 2020-00799.

Recusal of Board Member

Mr. Fraine was present to address the Board. Mr. Fraine gave a brief explanation of the matters addressed in the complaint against him. Mr. Fraine stated that he had offered an apology to the complainant, and accepts the Summary of the Informal Fact-Finding Conference and the Presiding Officer's recommendation.

File Number 2020-00696, Kenneth George Fraine

Regarding File Number 2020-00696, Kenneth George Fraine, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the transcripts and exhibits, and the Summary of the Informal Fact-Finding Conference as well as the Presiding Officer's recommendation. Ms. Price moved to accept the recommendation which cites the following violation of the Board's regulations: 18 VAC 10-20-740. B (Count 1), and 18 VAC 10-20-740. E (Count 2). Ms. Stiles seconded the motion which was unanimously approved by members: Alexander, Alexandria, Allen, Anglin, Colley, Hancock, Kelly, Nair, Price, Reynes, Stiles, Stokes, and Zmuda.

After Ms. Nosbisch indicated that there have been no prior disciplinary actions against Mr. Fraine, Mr. Zmuda moved to accept the recommendation of the Presiding Officer as to the sanctions and impose the following: \$500.00 for the violation contained in Count 1, and

\$500.00 for the violation contained in Count 2. Ms. Price seconded the motion which was unanimously approved by members: Alexander, Alexandria, Allen, Anglin, Colley, Hancock, Kelly, Nair, Price, Reynes, Stiles, Stokes, and Zmuda.

Mr. McDaniel was present to address the Board. Mr. McDaniel stated that he made a severe error in judgement regarding the matter before the Board, and that he has complied with all Board regulations since the complaint against him came to light. Mr. McDaniel that he will prove he is an asset to the industry, and asked that the Board consider suspension of his license rather than revocation.

File Number 2020-00799, Jonathan Thomas McDaniel

Regarding File Number 2020-00799, Jonathan Thomas McDaniel, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the transcripts and exhibits, and the Summary of the Informal Fact-Finding Conference as well as the Presiding Officer's recommendation. Mr. Allen moved to accept the recommendation which cites the following violation of the Board's regulations: 18 VAC 10-20-700. A (Count 1). Mr. Nair seconded the motion which was unanimously approved by members: Alexander, Alexandria, Allen, Anglin, Colley, Hancock, Kelly, Nair, Price, Reynes, Stiles, Stokes, and Zmuda.

After Ms. Nosbisch indicated that there have been no prior disciplinary actions against Mr. McDaniel, Mr. Allen moved to accept the recommendation of the Presiding Officer as to the sanctions and impose the following: license revocation for the violation contained in Count 1. Ms. Alexander seconded the motion. After discussion, Mr. Allen withdrew his motion. Ms. Anglin then moved that there be no sanction. Ms. Alexander seconded the motion. After further discussion, Ms. Anglin withdrew her prior motion, and moved to accept the recommendation of the Presiding Officer as to the sanctions and impose the following: license revocation for the violation contained in Count 1. Mr. Hancock seconded the motion which was unanimously approved by members: Alexander, Alexandria, Allen, Anglin, Colley, Hancock, Kelly, Nair, Price, Reynes, Stiles, Stokes, and Zmuda.

Mr. Stone returned to the meeting.

Return of Board Member

Ms. Broz-Vaughan took the opportunity to thank meeting attendees for their patience and participation throughout the navigation of the virtual meeting.

Mr. Kelly recused himself from the meeting for discussion and deliberation of File Numbers 2020-01577 and 2020-00085.

Recusal of Board Member

Regarding File Number 2020-01577, Kayvan Jaboori, the Board members reviewed the Consent Order as seen and agreed to by Mr. Jaboori.

File Number 2020-01577, Kayvan Jaboori

Mr. Jaboori was present to address the Board and withdrew his agreement to the Consent Order. After discussion, Mr. Jaboori requested that the matter be referred to an Informal Fact-Finding Conference.

After further discussion, Mr. Stone moved to refer File Number 2020-01577 for an Informal Fact-Finding Conference. Ms. Anglin seconded the motion which was unanimously approved by: Alexander, Alexandria, Allen, Anglin, Colley, Hancock, Nair, Price, Reynes, Stiles, Stokes, Stone, and Zmuda.

Mr. Campbell was present to address the Board and thanked the Board for their time. Mr. Campbell stated he was present for guidance as to what is needed to obtain a Professional Engineer license.

File Number 2021-00085, Charles Michael Campbell

Regarding File Number 2021-00085, Charles Michael Campbell, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcript and exhibits, and the recommendation of the Presiding Officer.

After lengthy discussion, Ms. Stokes moved to accept the recommendation of the Presiding Officer and deny Mr. Campbell's application for a Professional Engineer license (by examination). Ms. Anglin seconded the motion. After further discussion, the motion was unanimously approved by: Alexander, Alexandria, Allen, Anglin, Colley, Hancock, Nair, Price, Reynes, Stiles.

Mr. Kelly returned to the meeting.

Return of Board Member

Ms. Nosbisch reminded the Board to complete their conflict of interest forms and advised the forms would be emailed to Board members after the meeting.

Other Business

Ms. Nosbisch advised the Board that the guidance document regarding property lines along public roads became effective on December 1, 2020.

Ms. Nosbisch advised the Board that Marian “Detta” Brooks retired on December 1, 2020, after having served her entire 48-year career at DPOR.

There being no further business, the meeting was adjourned at 11:25 a.m. **Adjourn**

Ann Stokes, Vice-Chair

Mary Broz-Vaughan, Secretary